

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 1:18-CR-02945-WJ

SUBHANAH WAHHAJ,

Defendants.

**DEFENDANTS RESPONSE TO UNITED STATES' MOTION FOR AMENDED  
SCHEDULING ORDER**

Defendant Subhanah Wahhaj, through counsel, The Law Office of Ryan J. Villa, by Ryan J. Villa, and Justine Fox-Young, PC, by Justine Fox-Young, joined by Defendants Hujrah Wahhaj and Siraj Wahhaj (hereinafter collectively referred to as Defendants), by their respective counsel, and submits this Response to the Motion [Doc. 510]. Defendants request the attached proposed scheduling order be imposed by the Court rather than the government's proposed schedule. In support of this request, Defendants assert their right to a speedy trial pursuant to the Sixth Amendment to the United States Constitution and *Barker v. Wingo*, 407 U.S. 514, 519 (1972). Although counsel for Defendants previously stated in the October 12, 2022 status conference that a fall trial would be appropriate, counsel have reconsidered and now request a trial in May.

With respect to Ms. Subhanah Wahhaj, counsel notes that she has been in continuous federal custody since September 4, 2018, without the benefit of a trial. Ms. Wahhaj objects to a fall trial date given the amount of time that has transpired since her indictment. She did not agree with undersigned counsel's prior assertions that a fall trial is appropriate. Undersigned counsel, suggested fall in part due to the number of motions that needed to be filed and litigated prior to trial. Since October 12, many of the motions have been filed and counsel now believes they can all be heard and ruled upon prior to a May trial date.

If the Court does not adopt the attached schedule, Defendants request the Court schedule an in-person hearing in which they are present, to determine the appropriate trial scheduling order in this case.

The government was provided with this proposed schedule and indicated that it opposes. Counsel for Defendant Jany Levielle do not agree with this proposed order, primarily because Mr. Elsenheimer has two trials currently scheduled in May. Undersigned has not been able to confer with Mr. Morton regarding this schedule, although it has been provided to him. According to the Government's Motion, Mr. Morton prefers the May trial date. Standby counsel for Mr. Morton, Mr. Shattuck, indicates he has a trial scheduled in May. Defendants would note that the trials that Mr. Elsenheimer has scheduled in May are for in-custody clients whose cases are not as old as the instant case. Thus, Defendants trial should be given priority. Defendants request the Court inquire of Mr. Shattuck whether his May trial is for an in-custody client whose case is newer than the instant. If these conflicts for Mr. Elsenheimer and Mr. Shattuck are not with cases that are older than the instant, Defendants request the Court order that this case proceed to trial in May.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 14, 2022, a copy of the foregoing document was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/Ryan J. Villa  
RYAN J. VILLA